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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,291	12/15/2003	Akihiko Fukazawa	246507US90	1782
22850 7590 11/28/2007 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER DINH, JACK	
			ART UNIT 2873	PAPER NUMBER
			NOTIFICATION DATE 11/28/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21, 23, 25, 30, 31 and 34-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 21 and 23, line 2, the phrase “comprises nickel oxide” renders the claim indefinite. Independent claim 1 recites “wherein a transparent intermediate layer comprising at least one of a metal oxide other than a nickel oxide”. Furthermore, dependent claim 34 recites “said intermediate layer contains no nickel oxide”. The claims contradict each other. Therefore, it is unclear what is being claimed.

Regarding claim 25, line 2, the phrases “a transparent intermediate layer comprising at least one of a metal oxide other than a nickel oxide” and “said intermediate layer comprises nickel oxide” render the claim indefinite. The limitations contradict each other. Therefore, it is unclear what is being claimed. Claims 30, 31, 35 and 36 are rejected based upon the rejected base claim.

Similar errors appear throughout the claims. Appropriate correction is required.

*Allowable Subject Matter*

Claims 1-20, 22, 24, 26-29, 32 and 33 are allowed. The following is a statement of reasons for the indication of allowable subject matter. Regarding claims 1, 2, 5 and 22, the prior art fails to disclose a transparent intermediate layer comprising at least one of a metal oxide other than a nickel oxide and a metal as a main component placed between the oxidative coloration layer and the solid electrolyte layer.

*Response to Arguments*

Applicant's arguments filed 08/31/07 have been fully considered but they are not persuasive.

Regarding the rejections under 35 USC 112, the Applicant has not amended the claims to overcome the rejections, as noted above.

*Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Dinh whose telephone number is 571-272-2327. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L. Mack, can be reached at 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Huy Mai  
Primary Examiner

Jack Dinh  
11/20/07